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26 June 2020

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Our Ref: CLT/AB

Dear Sirs,

Re: Chairman's Statement of 29 May 2020 – Conduct of tranche 1 evidence hearings

I write on behalf of the National Crime Agency ('NCA') in response to the Chairman's Statement dated 29 May 2020.

We recognise that the procedure for receiving evidence in tranche 1 as set out in the **Chairman's Statement "is not intended to be a template for future tranches"**. Given that the NCA will not be involved in the first tranche, we therefore keep our submissions here brief. The NCA respectfully reserves the right to make further submissions at the appropriate juncture of the Inquiry.

Audio recordings

We note the Chairman's comment that an audio recording of open oral evidence of witnesses will be made and, once checked to ensure that it contains nothing which should not be broadcast, will be uploaded onto the UCPI website. We further note that it is the Inquiry's intention that the support provided to witnesses will be decided on a case by case basis and that arrangements are intended to obtain the best evidence from witnesses and to ensure that real name restriction orders are not undermined.

We are grateful for the Inquiry's conscientiousness not to undermine restrictions order. In relation to the upload of audio recordings of oral evidence, we repeat our submissions made on 27 November 2019 in response to the Chairman's Statement dated 30 October 2019. Namely, the NCA does not consider that audio recordings of open evidence of witnesses benefitting from restriction orders should be made available to the participants and wider public. It is not necessary to enable the Inquiry to fulfil its aims or comply with the provisions of section 18(1) of the Inquiries Act 2005 (with sections 18(1)(a) and (b)

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providing alternatives to ensure the public has access to the Inquiry proceedings and information). **For example, we understand it is the Inquiry's intention that transcripts of the evidence will be uploaded to the Inquiry website, allowing the public to access a record of the evidence in that way. To upload audio recordings will lead to a significant risk of identification of that witness as well as potential for identification of deployments, resulting in risks to others involved in those deployments. It also presents risks to future deployments (as a witness' voice remains a unique identifier, not changing for future deployments).**

In the alternative, the NCA submitted that if the Chairman decided that audio recordings would be made available, the only effective way not to undermine restriction orders would be to implement robust special measures. We have since considered the effectiveness of voice modulation, which depending on the resources available, can be relatively straight-forward to reverse-engineer. Further, difficulties concerning voice comparison, allowing an unmodulated voice to be identified, can be relatively easily overcome. Voice modulation thus offers little protection to witnesses. We would be happy to provide the Inquiry with more detail in relation to this if it would assist.

It therefore remains the NCA's primary submission that audio recordings should not be published on the UCPI website or shared with the other participants (whether or not special measures protecting the witness' identity are in place).

Opening Statements

The NCA notes the Chairman's comments in relation to opening statements and confirms its intention to make a live oral opening statement that can be live streamed with a delay of five minutes. The NCA does not foresee any difficulties in dividing the time available for opening statements between it and the other police bodies as the NCA anticipates its opening statement will be very short.

Yours faithfully,



**Legal Department
National Crime Agency**